



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MA 01545-5398

August 22, 2006

PUBLIC HEARING: John Echegoyen, 9 Pleasant View Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of John Echegoyen, 9 Pleasant View Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 9 Pleasant View Street maintaining the existing nonconforming front and rear yard setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 7 as Plots 37-1 and 38.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Dale W. Schaetzke, Stephan M. Rodolakis and George J Smith.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on August 7, 2006 and August 14, 2006.

Mr. Blades: Good evening Sir.

(Mr. Blades presented pictures.)

The house has one bedroom downstairs right now with two on the second floor. It has a new septic approved for the four bedrooms. This is a picture of the home. This is the backyard of the house as shot from behind it. It has a nice tree line and it's a nice quiet neighborhood. This is another picture.

Mr. Rosen: Could you have a seat and tell us what you're going to do?

Mr. Blades: Do you want these? I have a set of plans, not that you need them now.

Mr. George: You could start the down there with Mr. Rodolakis. We'll just pass it around.

(Mr. Blades presented the plans to Mr. Rodolakis.)

Mr. Rodolakis: You're working within the existing footprint, right?

Mr. Blades: Right. That's the sunroom there and a breezeway.

Mr. Rodolakis: These exist?

Mr. Blades: Right. We won't be going outside the existing square footage.

Mr. Rodolakis: Okay, but these exist right now?

Mr. Blades: Right.

Mr. Rodolakis: The garage exists, the sunroom exists?

Mr. Blades: Right. We won't be going beyond the existing foundation.

Mr. Rodolakis: Okay. Do you have the front elevation?

Mr. Blades: This is all proposed. It just has one bedroom downstairs and two small attic rooms. There's no breathing room for the roof at all right now. It's very hot and humid.

Mr. Rosen: Excuse me, do you just want to have a seat. Do you want to leave the plans so that we can take a look at them?

Mr. Blades: Okay

Ms. Lane: Could I ask that we have him identify himself so that I know who's speaking?

Mr. Rosen: Yes. Could you just identify who you are?

Mr. Blades: I'm Justin Blades.

Mr. Rosen: Okay. Are you the contractor? Who are you?

Mr. Blades: The owner.

Mr. Rosen: You're the owner?

Mr. Blades: Owner to be.

Mr. Rosen: Okay.

Mr. Blades: It's just going through a sales right now.

Mr. Rosen: Okay. Is the deal contingent on this?

Mr. Blades: Yes.

Mr. Rosen: What's the square footage of the house?

Mr. Blades: It's around 2,500 sq. ft.

Ms. Hastings: Eighteen hundred right now.

Mr. Rosen: Okay. You're going to be maintaining the same type of siding?

Mr. Blades: Yes.

Mr. Rosen: On the second floor and essentially the same roof?

Mr. Blades: It all blends in.

Mr. Rosen: Okay. Does anyone else have any questions? Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On August 22, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of John Echegoyen, 9 Pleasant View Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 9 Pleasant View Street maintaining the existing nonconforming front and rear yard setbacks of said property.

The subject property was developed well before the adoption of the current dimensional requirements set forth in Table II of the Zoning Bylaw and is legal nonconforming in several regards. It is less than 10,000 sq. ft. in area and it is only 47 ft. deep along its easterly side lot line. As a result of its size and shape, the existing structure could not physically be located in accordance minimum 30 ft. front and 40 ft. rear yard setbacks applicable to this neighborhood and its present location is, therefore, nonconforming. The dwelling is of Cape-style configuration and the prospective buyer of the property proposes to construct a full second story addition over a portion of the existing structure.

Upon review of this appeal, it was the board board's opinion that the vertical expansion of the subject residence would not materially change its nonconforming features and that the construction of a full second story over a portion of the existing structure would not adversely affect the welfare of area residents. They found that, when completed, the new structure would compliment the general character of many of the other homes within this section of the Morningdale neighborhood and, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Schaetzke	Yes
Mr. Rodolakis	Yes
Mr. Smith	Yes

PUBLIC HEARING: Tim Coghlin and Karen Phillips, 94 Sewall Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Tim Coghlin and Karen Phillips, 94 Sewall Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 10 ft. from the side lot line of property located at 94 Sewall Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 8 as Plot 17.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Dale W. Schaetzke, Stephan M. Rodolakis and George J Smith.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on August 7, 2006 and August 14, 2006.

Mr. Coghlin: Good evening.

Mr. Rosen: Would you just identify yourselves?

Ms. Phillips: Yes, I'm Karen Phillips.

Mr. Coghlin: Tim Coghlin.

Ms. Phillips: We currently reside at 94 Sewall Street which is located on Newton Pond. We actually are in the process of replacing a failed cesspool with a septic system. We had the plan at the conservation committee last week for approval to dig within 100 ft. of the water which also included talking about digging for the inground pool. We received approval to go forward with that septic plan.

So, based on where the septic system is going to be, in order to put in the inground swimming pool 30 ft. from the rear property line, we're looking to locate the pool 10 ft. from the side plot. I don't know if it makes any difference, but it's a 16 ft. by 30 ft. kidney shaped pool that we're looking to put in.

Mr. Rosen: Okay. Have you spoken to your neighbors?

Ms. Phillips: Yes. Their only concern is that they have a well which is well documented on the plot plan that Bob Moore has stamped and everything like that. So, their only concern was their well. Other than that, they have no concerns.

Mr. Rosen: Okay. Are there any questions?

Mr. George: You know that the pool has to be fenced in and secured?

Ms. Phillips: Yes.

Mr. Rosen: Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On August 22, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Tim Coghlin and Karen Phillips, 94 Sewall Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 10 ft. from the side lot line of property located at 94 Sewall Street.

The board noted that the appellants' property extends from Sewall Street downwards to the easterly shoreline of Newton Pond with its easterly side lot line jogging inwards causing the width of its rear yard to be severely reduced. They also note that a new septic system must be installed within the rear yard of the parcel thereby further limiting the available area to situate a swimming pool. It was the board's opinion that these constraints imposed a substantial hardship to Mr. Coghlin and Ms. Phillips in their attempt to install the proposed pool and that the reduction of the side yard setbacks to the requested 10 ft. would not, in this instance, seriously derogate from the intent of the Zoning Bylaw. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Schaetzke	Yes
Mr. Rodolakis	Yes
Mr. Smith	Yes

PUBLIC HEARING: Michele Villani, 31 Oak Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Michele Villani, 31 Oak Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side Yard Requirement, Residence B-2 District, to allow the construction of a garage addition 3.5 ft. from the side lot line of property located at 31 Oak Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 27 as Plot 74.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Dale W. Schaetzke, Stephan M. Rodolakis and George J Smith.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on August 7, 2006 and August 14, 2006.

Mr. Rosen: Could you please identify yourselves for the record?

Mr. Villani: My name is David Villani. This is my father, Michele Villani. We're just here to present our case. As you mentioned, the 3.5 ft. variance is why we're here. The reason why we would like to put the garage on this side of the home as opposed to the other side of the home is because there is an entrance to the mudroom and to the kitchen on the left-hand side of the home. So, it's mainly due to the design and the architecture that we would like to put it on that side rather than the other. On the other side the entrance would be to the living room.

Mr. Rosen: Right.

Mr. Villani: That's the main reason. We've discussed the plans and everything with the neighbor. He's seen the plans. We've actually had the property surveyed also, but the report is not complete yet. It should be done by the end of this week.

Mr. Rosen: What's it going to look like in terms of is it going to match the house, the siding or is it going to be the same?

Mr. Villani: Yes, it will.

Mr. Rosen: Okay.

Mr. Villani: The house was just recently sided so it will be the same color.

Mr. Rosen: Okay. Is it going to be just one story? Is there going to be a second story above it?

Mr. Villani: Is it just one floor, the garage?

Mr. Michele Villani: Yes.

Mr. Villani: Yes, just one floor, just for two cars.

Mr. Michele Villani: We just need the garage for the rain and snow.

Mr. Rosen: Okay. So, it's just a two-car garage?

Mr. Villani: Yes.

Mr. Rosen: Okay. Are there any questions? Is there anyone in attendance who would like to comment on this petition? Could you please state your name for the record?

Mr. Rupolo: My name is Michael Rupolo. My property abuts Mr. Villani's. It's 25 and 27 Oak Street. I'm here tonight on behalf of Mr. Villani. We abut their existing driveway and fence. Mr. Villani has generously had a line survey done. He and I and members of his family have discussed the scenarios involved with building the garage. He's also agreed to repair any damage that's done to my property as a result of the construction. There are sections or may be sections of his asphalt driveway that may be encroaching on my property which he has agreed to remove. He's also agreed to control the water runoff from the building.

Mr. Rosen: Okay.

Mr. Rupolo: They're also may exist remnants or an abandoned cesspool in that area. I'm not really sure about that, but if that's the case, he's also agreed to removed it or what ever it takes to get it to where it should be to insure the safety of my property during the phases of construction because of the fact that equipment, materials and personnel would

probably be encroaching on my property during the process. I would like to thank you for your time.

Mr. Rosen: Thank you for coming out. Does anyone else want to be heard on this? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On August 22, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Michele Villani, 31 Oak Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side Yard Requirement, Residence B-2 District, to allow the construction of a garage addition 3.5 ft. from the side lot line of property located at 31 Oak Street.

The appellant proposes to attach a two-car garage basically to the left rear corner of his home that would extend to within 3.5 ft. of the lot's northerly side lot line. He has situated the proposed structure in this location primarily due to the layout of the rooms within his home to provide a normal movement from the garage into an existing mud room adjacent to its kitchen area.

The board found, upon review of this appeal, that the siting of the existing structure upon this property and the aforementioned room layout presents a significant hardship to Mr. Villani in his attempt to construct the proposed garage in conformance with the applicable setback requirements set forth in Table II of the Zoning Bylaw. It was their opinion that the granting of the relief requested would not, in this instance, significantly depart from the intent of the bylaw or create any condition which would adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board subject to the requirement that, upon the installation of the foundation for the garage, a plot plan prepared by a registered land surveyor certifying its location shall be submitted to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Schaetzke	Yes
Mr. Rodolakis	Yes
Mr. Smith	Yes

PUBLIC HEARING: Timothy Pedjoe and Marilyn March, 21 Cypress Ave.,
Shrewsbury, MA.

PURPOSE: To hear the appeal of Timothy Pedjoe and Marilyn March, 21 Cypress Ave., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Rural B District, to allow the construction of a barn 45 ft. from the sideline of Redwood Lane upon property located at 21 Cypress Ave. The subject premises is described on the Shrewsbury Assessor's Tax Plate 8 as

Plot 58-10.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Dale W. Schaetzke, Stephan M. Rodolakis and George J Smith.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on August 7, 2006 and August 14, 2006.

Mr. Rosen: Would you please state your names for the record?

Mr. Pedjoe: Timothy Pedjoe.

Mr. Harris: I'm Mark Harris, a neighbor.

Mr. Pedjoe: Marilyn March is my mom. They told me that she didn't need to be here.

Mr. Rosen: Correct, yes.

Mr. Pedjoe: I'm basically asking for 5 ft. needing 1 ft. because I have no other placement for the construction. It's actually a two-car garage with a loft, a country style barn.

Mr. Rosen: Is it going to be matching the house or what's it going to look like?

Mr. Pedjoe: It's going to be gambrel style. It's going to be the same color as the house, the same type of shingles.

Mr. George: Do you have any plans that we can view so that we know what it's going to look like?

Mr. Pedjoe: I gave them at the clerk's office when I submitted it. We were supposed to submit a picture of it to you.

Mr. Rosen: We have it.

Mr. Pedjoe: That's basically what it's going to be. It's going to be downsized. That's a 20 ft. by 20 ft. Mine is going to be 18 ft. by 24 ft.

Mr. George: Eighteen feet by twenty-four feet wide?

Mr. Pedjoe: Eighteen wide by twenty-four feet deep. I'll be removing the existing shed that I have up there now. There is no other way for me to put that in on an angle because of my septic and the size of my backyard. I also have a hill on the side of my property as well as the front of my property on Redwood. That's why I can only go for 49 ft. and I'm going for the five extra, in case of the ledge.

Mr. George: Where is the septic in regards to your property?

Mr. Pedjoe: The septic is smack dab in the middle of the house.

Mr. George: In the rear?

Mr. Pedjoe: Yes. So, if I put it on an angle, it would be right on top of it. I've already talked to the lady in the office for the septic.

Mr. George: So, you're not on town sewer, you're on private septic?

Mr. Pedjoe: Yes.

Mr. Rosen: So, you wouldn't be able to move the garage back into conformity?

Mr. Pedjoe: No, it would be right on top of it. So, this is the only place that it's possible to be able to put it.

Mr. George: How about if you cut the width down, the width of the building to stay within the side yard setback?

Mr. Pedjoe: With the 50 ft., it really wouldn't be practical, the 16 ft. I'm cutting it down 2 ft. already. In all practicality, it would cut down the loft size too small for storage.

Mr. Rosen: What type of storage?

Mr. Pedjoe: Just household stuff, kid's toys etc. etc.

Mr. Rosen: Okay. You understand that you wouldn't be able to operate a business out of the location?

Mr. Pedjoe: I am running a business out of my home right now. I have been since 1981.

Mr. Rosen: What type of business?

Mr. Pedjoe: Landscape. I came to the town hall in 1981 and I was granted permission to do that.

Mr. Rosen: Okay.

Mr. Pedjoe: It's not a big business. I'm actually smaller now than I was back in 1981.

Mr. Rosen: Okay.

Mr. Pedjoe: Basically, it's just going to be a work shop. Instead of working in my driveway, it would be basically better for my neighbors. It would be more aesthetic because I'm going to put up a fence along the side of that. I'm putting a wall up and all of that along the side so that they won't have to look at the stuff that I'm keeping there now.

Mr. Rosen: Do you keep your work things there?

Mr. Pedjoe: Right.

Mr. Rosen: It's all there? What type of equipment is it?

Mr. Pedjoe: I just have a trailer and two dump trucks and my lawnmowers.

Mr. Rosen: Okay.

Mr. Pedjoe: Instead of putting a blue tarp over it in the wintertime, I'll be able to put some of my equipment in it.

Mr. Rosen: Okay, if we were to grant approval on this, then all of the vehicles and all of the equipment would be off?

Mr. Pedjoe: You would not be seeing it.

Mr. Rosen: It would all be kept inside?

Mr. Pedjoe: Exactly. It would be a better benefit towards the neighbors also. I've never had a complaint in the twenty some odd years that I've been in business. Mr. Harris has lived behind me for all of these years and I've had no complaints whatsoever.

Mr. Rosen: Do you know if any have come into the town to Ron?

Ms. Lane: I wouldn't know about that.

Mr. Rosen: Okay.

Mr. Pedjoe: I have never been aware of a complaint towards my business. I mean, I start at a reasonable hour.

Mr. Rosen: Are there any other questions?

Mr. Harris: If I could just speak up a second too.

Mr. Rosen: Yes, just one second. Could you just state your name for the record?

Mr. Harris: Mark Harris. I live at 4 Redwood Lane. I abut the property and just here on behalf of Mr. Pedjoe. I've lived there for twenty years. He's a very considerate neighbor. As he said, he starts his business at a time when everybody's getting up and going to school and that type of thing so I just wanted to speak on his behalf that I have no issue at all with putting the barn there and don't foresee any issues. Tim's a hard working guy. I believe that this would help him and, as he said, the aesthetics because it will allow him to put away things that are maybe afoot right now. I just wanted, again, share my support. I think that I also speak on behalf of the other neighbors as well. You notice that there's nobody here in opposition tonight.

Mr. Rosen: Okay, thank you for coming.

Mr. George: I have a question. Do you have employees and where do they park if they do?

Mr. Pedjoe: They park on the side of Redwood.

Mr. George: So, they park in the street?

Mr. Pedjoe: Off the main road, yes. They have to park there because of the school busses.

Mr. Rosen: How many employees do you have?

Mr. Pedjoe: I have one fulltime and one part time.

Mr. Rosen: Seasonal?

Mr. Pedjoe: Yes.

Mr. Rosen: Are there any other questions? Okay. Thank you for coming.

Mr. Pedjoe: Thank you very much.

Mr. Rosen: We'll notify you of the board's decision.

Decision

On August 22, 2006, the Shrewsbury Zoning Board of Appeals voted four in favor of and one opposed to the granting of the appeal of Timothy Pedjoe and Marilyn March, 21 Cypress Ave., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Rural B District, to allow the construction of a barn 45 ft. from the sideline of Redwood Lane upon property located at 21 Cypress Ave.

Four members of the board, upon review of this appeal, noted that the subject premises is situated at the corner of Cypress Ave. and Redwood Lane with any primary building to be constructed thereon required to satisfy the minimum 50 ft. front yard setback from both streets. They also noted that the property is not served by the municipal sewer system and that the septic system situated upon this site is located within the center area of the lot to the rear of the house. They found that the application of the front setbacks and the area encumbered by the septic system severely limits the buildable envelop upon this property thereby creating an undue hardship for the appellants in their attempt to locate the proposed structure thereon. It was their opinion that the reduction of the front yard setback along the lot's secondary frontage would not materially derogate from the intent of the Zoning Bylaw or have any impact upon the welfare of either the general public or area residents. They, therefore, voted to grant the appeal as presented to the board.

One member of the board was of the opinion that the appellants' need for the construction and use of the proposed structure was related more to the storage of equipment and materials associated with Mr. Pedjoe's landscaping business as opposed to storage of household items ancillary to their single family residence. It was his opinion that the

granting of the relief requested under such circumstances would violate both the spirit and the intent of the bylaw and, therefore, voted to deny the appeal.

Vote

Mr. Rosen	No
Mr. George	Yes
Mr. Schaetzke	Yes
Mr. Rodolakis	Yes
Mr. Smith	Yes

PUBLIC HEARING: RIFL Realty Trust, Richard Ricker, Trustee, 169 Memorial Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of RIFL Realty Trust, Richard Ricker, Trustee, 11 Maple Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the sales, rental, storage, maintenance and repair of construction, household and other machinery, tools, equipment and related parts and accessories thereto upon property located at 169 Memorial Drive. The subject premises is described on the Shrewsbury Assessor's Tax Plate 47 as Plot 13-1.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Dale W. Schaetzke, Stephan M. Rodolakis and George J Smith.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on August 7, 2006 and August 14, 2006.

Atty. Ricker: Thank you Mr. Chairman and members of the board. My name, for the record, is Richard Ricker. As stated in the petition, I'm a trustee of RIFL Realty Trust as is Ed Flynn who is seated to my right. Also seated in the middle between us is Robert McCarthy who is a branch manager for United Rentals, Inc., of North America. They are the proposed tenants for the two buildings that we're going to talk to you about tonight.

I do have a letter which we received today from one of the abutters in support of the petition.

(Atty. Ricker presented the petition to the board.)

As the board is aware, Mr. Flynn and I, as RFIL Realty, have been developing this site since about 2000 or 2001. Every year or so we have been putting one more building somewhere on either this parcel or the parcel next door.

The buildings that we're talking about tonight are the top two as you're looking at them. This building right here is the Ditch Witch building. This is the Pepperidge Farm building. If you're familiar with the site, and I know that you've gone up there, this is the Fastenal building. This building will also be constructed this fall along with this one would be started potentially in September and this one would be scheduled for February.

This building to the top left would be the aerial division for United Rentals which is presently located in Millbury, MA. The other building, which is slightly less than 12,000 sq. ft., this one is 7,200 sq. ft. and this would be slightly less than 12,000 sq. ft., would house the trench, pump and power division of United Rentals which would be a relocation of their facility from Kingston, MA, to Shrewsbury.

This is a blown up cutout of the particular site. This site is being basically leveled as we speak. I'm sure that, if you've been up there recently and I know some of you have, you've seen that the property is being blasted at this stage. This is now to grade. This section here is being blasted today, tomorrow and probably for the next two weeks. Each proposed building would have a gravel area to the side on which would be located certain equipment that would be stored there while it's not being rented. This facility is very similar, or this use I would suggest is very similar to other uses in the park being Ditch Witch, Brodie Toyota Lift and Fastenal as you know from the records and permits from the past.

This particular appeal is basically an appeal that comes with the zoning bylaw change from the last few years which also kind of melded with the master plan wherein it was found in the town that a lot of these Limited Industrial areas needed to have a rental sales component, retail component to their zoning.

The company that we're talking about United Rentals is, as I'm sure you know, a very large company. It has almost 1,000 locations throughout the United States. On its web site, it says that it does over two billion dollars a year in sales and rentals. I would respectfully suggest that we do have leases signed with them. Basically, this is the remaining item that needs to be done, a contingency that needs to be to complete in order for there to be no contingencies left except for me to build the buildings.

Mr. McCarthy is here to talk about any operational issues that you may have with the subject use, but I would suggest that this is in keeping with this industrial park. This is the interior portion of the park surrounded by other industrial locations in this Limited Industrial zone. It couldn't be a better location, frankly, for this particular use. It doesn't draw on any town services whatsoever. We, as you know, live off of well water and septic. The property has been perked and we do have wells there. There's no addition to our schools or anything like that. What they do bring to us is a tax base. I would suggest that that also is in keeping with what the town would like to see, certainly what I would like to see. In any event, I would suggest that there are no hazards or detrimental factors here; there are no offensive odors or noise or anything else that could affect the general public or the neighbors in particular. As you can see from at least one close neighbor, there're no issues there whatsoever. I think our neighbors have been very happy with the use there. We have a good clean park there and we maintain it well. So, with that, if you have any other questions, we will answer them?

Mr. Rosen: What kind of hours of operation are you looking for?

Atty. Ricker: I'm told that it is 7:00 to 5:00.

Mr. McCarthy: Yes, 7:00 to 5:00.

Atty. Ricker: Which is in keeping with most of the other business there.

Mr. Rosen: Right. This is five days a week or six days a week?

Mr. McCarthy: Five days a week.

Mr. Rosen: Any weekends?

Atty. Ricker: Sometimes Saturday mornings.

Mr. McCarthy: Occasional half days on Saturday, never on a Sunday.

Mr. Rosen: The other question that I have as well. Do we have to worry about or are there any concerns about runoff from oil or anything like that from the equipment when repaired?

Atty. Ricker: Our leases are very, very particular in that respect. We have oil water separators we're putting in at the site where the buildings are. Where all maintenance takes place, there will be oil water separators and special drainage systems and wash bays. We have to meet all of the environmental criteria for that.

Mr. Rosen: Okay.

Mr. George: I know that this is probably going to generate a little more traffic than some of the other business in there. What are you going to do for signage?

Atty. Ricker: Well, I've started putting up 15 M.P.H. signs on the driveways themselves. We've also installed a stop sign and a yield sign recently. We are paying attention to that. We are basically concerned, as would any landlord, that things move smoothly through the site. I don't anticipate though that this will cause any difficulty because, when we first talked with United about these particular uses we were told and I believe they still maintain that, that this is really not a retail type of establishment. They generally deal with contractors and they deliver out. It's big items that they're renting here.

Mr. George: So, people don't come to the site?

Atty. Ricker: Sometimes they do, but it's not a major portion of their business.

Mr. George: So, maybe fifty percent of the business has people coming to the site and then the rest are contractors?

Mr. McCarthy: Less so.

Mr. Rosen: Please identify yourself.

Mr. McCarthy: I'm sorry, Robert McCarthy. I'm with United Rentals in Millis, MA. The divisions that will be operating in the new site are almost exclusively business to

business. There will be some occasions where customers come to us, but primarily we deliver and pickup on our own vehicles. We do have a general rental facility that's a somewhat different operation that caters more to homeowners and lighter construction product use. We have a facility for that in existence on Route 20 in Worcester.

Atty. Ricker: That's the one in front of Wheelabrator. You may be familiar with that on Route 20. That one will remain there. That's the general rental facility for United.

Mr. George: So, are these basically big items?

Mr. McCarthy: Yes. It's aerial boom lifts and scissor lifts that you see on construction sites. That division provides pretty much anything that a construction worker or person doing a project needs to get himself to any type of height and a few fork lifts as well.

Atty. Ricker: Bob will be the manager of the aerial division. With respect to the trench, pump and power division, you're talking about large compressors; you're talking about the big boxes like they put in the trenches for construction and things of that nature.

Mr. George: You're not going to have the average homeowner coming to this site for that type of equipment.

Atty. Ricker: Not putting it into a car and taking it out, right.

Mr. Rosen: How much storage is going to be done outside?

Atty. Ricker: A fair amount of storage. The graveled area is for storage; there's no question about it, but the product moves in and out all of the time. Then entire property will be fenced with an eight foot black chain link fence.

Mr. Rosen: Are there any other questions? Is there anyone in attendance who would like to comment on this petition? Yes, sir?

Mr. Murray: I'm Andy Murray of 21 Browning Road. I'm the real estate broker for the park also. I think that this is in keeping with what we've been trying to do up there for a few years now, to get good clean tenants and this is the type of company that we look for. So, I hope that you vote favorably and keep the park as it has been.

Mr. Rosen: Thank you for coming.

Mr. George: Mr. Ricker, is this one of the last phases of the project?

Atty. Ricker: This is the last phase of the park. Well, these buildings that you're looking at right here, they are the last phase of the park. These buildings are built now, this building we had previously started and we're in the process now of digging the foundation and getting it going. This would be these two. So, all that remains would be these two. This is actually a decrease, as Mr. Rodolakis knows, from what we had actually permitted for the site because we had three buildings planned at the upper level of this. But, because of the quality of the tenant and because of their needs, they wanted

approximately a six acre site and we chose to go with them rather than the three buildings.

Mr. Rosen: Does the plan still allow you to put up the third building at a later date?

Atty. Ricker: Eventually we could, if we wanted to. I think that we would probably have to come back to the planning board at that stage because that would be fifteen years down the road. The initial term would be a fifteen year lease.

Mr. Rosen: Okay.

Mr. Smith: I have one question. What are you going to do about road signage for this business?

Atty. Ricker: Well, actually, there will be a sign down in front similar to the other signs. The Ditch Witch sign is there, the park sign is there and The Brodie Toyota sign is there. We have not determined yet just what the configuration would be for that sign for United, but I expect that discussion to be coming up soon. We do have plenty of sign capability there because there is over 1,000 ft. of frontage that we're dealing with.

Mr. Smith: Thank you.

Mr. Rosen: Security lighting, is there going to be any?

Atty. Ricker: Yes. There is security lighting throughout the park. It stays on all night. There's a particular plan for lighting for these two buildings which melds, basically, with the plan that the planning board approved when we were before them for the overall site plan approval. You know, these formulas are really beyond me, but there are various street lights on the site. As I say, we have tenants in the park that are there basically all night. Pepperidge Farm operates in the middle of the night. Worcester Telegram and Gazette operates in the middle of the night. We have different businesses that are there all night long. So, there is activity and there is light. We have to have light because of the nature of their businesses so it is well lit.

Mr. Rodolakis: There's a proposed subdivision right behind them that the Russells are proposing so any spill over is not serious.

Mr. Rosen: Going over to an industrial site?

Mr. Rodolakis: It's going to have its own security lights.

Atty. Ricker: We're substantially lower. We're blasting down 38 ft. from the top of the hill for this pad. It's a substantial project.

Mr. Smith: The only suggestion that I would make toward the park is to have some directional signs pointing you to which of the address are there. When I was up there, I got kind of confused.

Atty. Ricker: We've determined that there is absolutely a need for that. I've been told recently that that is necessary. We are going to do that.

Mr. Smith: Just another point. Is there any thought that's been given to lighting the entrance a little better? When you're going by there at night, it's a little tough.

Atty. Ricker: There has been some thought given to it, but we really need to work on the signage issues at the same time as we deal with the lighting issue because we don't want to be a bad neighbor. There are residential properties directly across the street from the entrance. They haven't had any issues whatsoever with our lighting. We like that, but we will address that. I think that there's some internal lighting that would probably help light that up.

Mr. Smith: The only reason that I know that is because I don't live too far from there. I notice going by there that a lot of people have a tendency to use that as a u-turn, especially at night, and it's kind of hard to see those cars.

Atty. Ricker: Yes. We've tried to discourage that as well. My no turning sign has disappeared twice.

Mr. Smith: Hence the need for lighting. Thank you.

Mr. Rosen: Does anyone else want to be heard on this? There being none, we'll take it under advisement and notify you of the board's decision.

The decision of the board is on the following page.

Decision

On August 22, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of RIFL Realty Trust, Richard Ricker, Trustee, 11 Maple Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the sales, rental, storage, maintenance and repair of construction, household and other machinery, tools, equipment and related parts and accessories thereto upon property located at 169 Memorial Drive.

The appellant has been developing the subject site, which is known as "Memorial Business Park" for a myriad of business and light industrial purposes, including office, warehouse, light manufacturing, distribution and the sale and repair of industrial and construction related equipment and products related thereto. There are a number of buildings situated within the park housing these activities, some of which were originally permitted by variance or through the issuance of a special permit. The appellant proposes to construct two new buildings upon this site that would be occupied by United Rentals, Inc., of North America which will conduct a division of their business whereby service is primarily provided business to business with construction equipment and vehicles delivered and returned to this site by company personnel. This location will not be operated as a general rental facility providing goods and services to the general public.

Upon review of this appeal, the board noted that the portion of the business park where the proposed buildings are to be sited is very remote, with the closest abutters fronting upon Route 20 where similar industrial and commercial activities are situated. It was

their opinion that this location was ideally suited for the outdoor storage and movement of construction equipment and that such use was similar to and would compliment some of the other businesses located within the park such as Ditch Witch, Brodie Toyota Lift and Fastenal, which provide construction related equipment, goods and services to their customers, both on this site and at off-site locations. They noted that these businesses have operated from this park for the past several years without creating any condition which has conflicted with the intent of the Zoning Bylaw or adversely impacted the welfare of area residents or businesses. They concluded that the issuance of the special permit was in total harmony with the intent of the bylaw in relegating the sale, service and rental of such construction vehicles and equipment to the Limited Industrial District and, therefore, unanimously voted to grant the appeal as presented to the board subject to the following:

1. The hours of operation of the subject business shall be limited to those hours between 7:00 A.M. and 5:00 P.M., Monday through Friday, and from 7:00 A.M. to noon on Saturdays. There shall be no use of the property for the aforementioned stated activities on Sundays.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Schaetzke	Yes
Mr. Rodolakis	Yes
Mr. Smith	Yes